

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

ALBERT JOHNSON,)	
)	
PLAINTIFF)	
)	
v.)	Civil No. 02-73-P-H
)	
SPENCER PRESS OF MAINE,)	
INC.,)	
)	
DEFENDANT)	

FINDINGS OF FACT AND CONCLUSIONS OF LAW
ON WAGE LOSS

The record is now closed. The parties have agreed that I, as the judge, must determine any recoverable wage loss. I have already ruled on the record that there is no recovery, except for the time during which the plaintiff was employed at Hannaford Bros.

I am persuaded that the plaintiff's analysis of wage loss during the time he was employed at Hannaford Bros. is the correct one. Therefore, during the year 2000, he lost \$1,227.94 in wages. I am not persuaded of the 21.52% addition for fringe benefits, however. The economist apparently did not actually compare the value of respective fringe benefit packages at Spencer Press and Hannaford, but simply derived a percentage number, "based on information provided by Mr. Johnson, information provided by Spencer Press, Inc. regarding the employer

cost of health and life insurance plans for Mr. Johnson, and on information regarding legally mandated fringe benefits published by the Bureau of Labor Statistics. . . .” Although that may suffice for calculations for future loss over a period of years, it is not adequate for purposes of comparing the loss between the Spencer Press and Hannaford jobs.

The Clerk shall therefore **ENTER JUDGMENT** for the plaintiff in the amount of One Thousand Two Hundred Twenty-Seven Dollars and Ninety-Four Cents (\$1,227.94) for lost wages. This is in addition to the statutorily capped damages of Three Hundred Thousand Dollars (\$300,000) resulting from the jury verdict.

So ORDERED.

DATED: MAY 7, 2003

/s/D. BROCK HORNBY

D. BROCK HORNBY

UNITED STATES DISTRICT JUDGE

U.S. District Court
District of Maine (Portland)
Civil Docket for Case #: 02-CV-73

ALBERT JOHNSON
Plaintiff

ERIC UHL, ESQ.
MOON, MOSS, MCGILL, HAYES &
SHAPIRO, P.A.
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PORTLAND, ME 04112-7250
(207) 775-6001

V.

SPENCER PRESS OF MAINE, INC.

and

SPENCER PRESS, INC.

Defendants

U. CHARLES REMMEL, II, ESQ.
GRAYDON STEVENS, ESQ.
KELLY, REMMEL & ZIMMERMAN
P.O. BOX 597
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